

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,  
for the use and benefit of  
LGS GROUP, LLC

Plaintiff,

vs.

ODYSSEY INTERNATIONAL, INC., et al.

Defendant(s).

Case No. 08-017

**ORDER**

At Wilmington this       day of April, 2008, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16, Del. LR 16.1 (a) and (b).

**IT IS ORDERED** that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

Scope of the work under the contract; value of the work completed under the contract; value of any incomplete work; amount of payments made to plaintiff and amounts, if any, still due from defendant Odyssey; whether payment made properly by Odyssey to Plaintiff alleged breach of contract based on plaintiff's failure to provide timely work; timely submittals, timely providing of materials; failure to provide third party inspector, non-conforming product and work; plaintiff's alleged failure to pay subcontractors and suppliers and affiliates.

(b) All discovery shall be commenced in time to be completed by 120 days from today's date.

(c) Maximum of 30 interrogatories by each party to any other party.

(d) Maximum of 30 requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each deposition limited to a maximum of 6 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due 60 days after the conclusion of Discovery. Rebuttal expert reports due 60 days after initial expert reports.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motion to join other parties, amend the pleadings, and certify a class action shall be filed on or before \_\_\_\_.

**4. Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

**5. Summary Judgment Motion.** All summary judgment motions shall be served and filed with an opening brief on or before 30 days after

expert discovery. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

**6. Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

**7. Motions in Limine.** All motions in limine shall be filed on or before **[two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **[one week before pretrial conference]**.

**8. Pretrial Conference.** A pretrial conference will be held on \_\_\_\_\_ at \_\_\_\_\_ .m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

**9. Trial.** This matter is scheduled for a [day/week] bench/jury trial commencing on \_\_\_\_\_ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

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United States District Judge